IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO : 23861 of 1995

Between:

T.Shanker Rao, S/o.Latse T.Babu Rao, 58, Jeera, Secunderabad

..... PETITIONER

AND

1 Divisional Coop.Officer, Hyderabad West, R.R.Dist., Hyderabad
2 Coop.Sub Registrar/Sale Officer, O/othe Divisional Coop. Officer, Hyderabad West, R.R.Dist., Hyderabad
3 The H.A.Employees Coop.Credit Society ltd.,

Regd.No.TBC 187, Balanagar, Hyderabad rep.by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue a Writ order or direction more particularly in the nature of Writ of Mandamus declaring that the notice dt.25-9-1995 of the 1st respondent (i.e) Divl. Co-op.Officer, Hyderabad West, R.R.Dist., Hyderabad to the Decree Holder and defaulter issued under Rule 52(11) (e) of the A.P.C.S.Rules in form 9, fixing the sale of the attached property by public auction on 28-10-1995 as also notice of sale of immovable property dt.25-9-1995 of the 1st respondent issued in Form 9 under rule 52(11) (e) in E.P.NP.7/SC/95 fixing the date of sale by public auction on 28-10-1995 as illegal, arbitrary, unjust and against the cardinal principles of natural justice and hence liable to be set aside.

Counsel for the Petitioner: MR.D.V.BHADRAM (Not Present)

Counsel for the Respondents 1&2 : G.P for COOPERATION.

Counsel for the Respondent NO.3.: DR.P.B.VIJAY KUMAR

The Court made the following :

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ORDER :

This writ petition is filed by way of writ of Mandamus to declare the notice dated 25-9-1995 of 1st respondent to the Decree Holder and defaulter issued under Rule 52 (11)(e) of the A.P.C.S. Rules in Form 9, fixing the sale of the attached property by public auction on 28-10-1995, as also notice of sale of immovable property dated 25-9-1995 of the first respondent in E.P.No.7/SC/95 fixing the date of sale by public auction on 28-10-1995 as illegal and arbitrary and to set aside the same.

When the matter was called on 1-10-2004 none appeared for the petitioner and it was directed to list the same on 8-10-2004 'for dismissal'. Though the matter is listed 'for dismissal' on today, today also none appeared for the petitioner nor any representation is made on his behalf.

The writ petition is therefore dismissed for default. No costs.

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N.V. RAMANA, J

Dt. 08/10/2004

Kvrk

To

1 The Divisional Coop.Officer, Hyderabad West, R.R.Dist., Hyderabad
2 The Co-op.Sub Registrar/Sale Officer, O/othe Divisional Coop. Officer, Hyderabad West, R.R.Dist., Hyderabad
3 The Secretary, H.A.Employees Coop.Credit Society ltd.,

Regd.No.TBC 187, Balanagar, Hyderabad.

4 Two CCs to GP for Co-operation, High Court Buildings, Hyd. (OUT)

5. Two CD copies.

HON'BLE SRI JUSTICE N. V. RAMANA

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W.P.NO. 23861 OF 1995

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08TH OCTOBER 2004